

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1419 of 1999

in

SPECIAL CIVIL APPLICATION No 6647 of 1999

with

LETTERS PATENT APPEAL No 1394 of 1999

in

SPECIAL CIVIL APPLICATION NO.6649 OF 1999

with

LETTERS PATENT APPEAL NO.1456 OF 1999

in

SPECIAL CIVIL APPLICATION NO.5485 OF 1999

with

LETTERS PATENT APPEAL NO.1457 OF 1999

IN

SPECIAL CIVIL APPLICATION NO.5483 OF 1999

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and
MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

KANTILAL JAICHAND VAKHARIA

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Appellant in all
NOTICE SERVED BY DS for Respondent No. 1

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and
MR.JUSTICE K.M.MEHTA
Date of decision: 03/11/1999

ORAL(COMMON)JUDGEMENT

(per THAKKAR,ACTG.C.J.)

1. Admitted. Mr.Joshi, Ld.AGP appears and waives service of notice of admission on behalf of respondents.
2. In the facts and circumstances, these appeals are taken up for hearing today.
3. All these petitions were filed by the State Government. The learned Single Judge issued notices which were made returnable. Though notices were served, the appellants who were respondents in Special Civil Applications did not appear. On returnable date the learned Single Judge finally disposed of the matters by allowing them though rule was not issued and the matters were not admitted.
4. Various contentions were advanced before us by the learned advocate for appellants, in our opinion, however, it is not necessary to enter into larger question in view of the fact that the Letters Patent Appeals deserve to be allowed only on one ground. As stated above the petitions were not admitted and rule was not issued and they were finally allowed which could not have been done. The present Letters Patent Appeals, hence, deserve to be allowed and accordingly allowed. Orders passed by the learned Single Judge are hereby set aside and the matters are remanded to the learned Single Judge who will hear the matters on merits. Till the matters are heard and decided by the learned Single Judge, status quo as on today will be continued. Appeals are accordingly allowed. In the facts and circumstances no order as to costs.

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